

THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:16-cv-00275-MR-DLH

PHILIP MARK ROBBINS, )  
Plaintiff, )  
vs. )  
NANCY A. BERRYHILL, Acting )  
Commissioner of Social Security, )  
Defendant. )

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## ORDER

**THIS MATTER** is before the Court on the Plaintiff's Motion for Summary Judgment [Doc. 9]; the Defendant's Motion for Summary Judgment [Doc. 11]; the Magistrate Judge's Memorandum and Recommendation regarding the disposition of those motions [Doc. 14]; and the Defendant's Objections to the Memorandum and Recommendation [Doc. 15].

Pursuant to 28 U.S.C. § 636(b) and a specific Order of referral of the District Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider these pending motions in the above-

captioned action and to submit to this Court a recommendation for the disposition of these motions.

On August 14, 2017, the Magistrate Judge entered a Memorandum and Recommendation [Doc. 14] in this case containing proposed findings of fact and conclusions of law in support of a recommendation regarding the disposition of these motions [Docs. 9 and 11]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The Defendant timely filed her Objections on August 25, 2017 [Doc. 15].

After careful consideration of the Magistrate Judge's Memorandum and Recommendation [Doc. 14] and the Defendant's Objections thereto [Doc. 15], the Court finds that the Magistrate Judge's proposed findings of fact are correct and that his proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby overrules the Defendant's Objections and accepts the Magistrate Judge's recommendation that the Commissioner's decision be reversed and that this case be remanded for further proceedings.

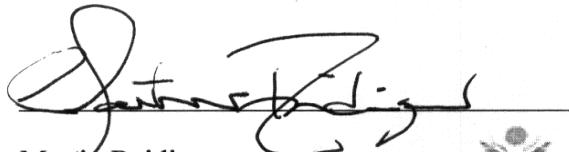
**IT IS, THEREFORE, ORDERED** that the Memorandum and Recommendation [Doc. 14] is **ACCEPTED**; the Defendant's Objections

thereto [Doc. 15] are **OVERRULED**; the Plaintiff's Motion for Summary Judgment [Doc. 9] is **GRANTED**; and the Defendant's Motion for Summary Judgment [Doc. 11] is **DENIED**. Pursuant to the power of this Court to enter a judgment affirming, modifying or reversing the decision of the Commissioner under Sentence Four of 42 U.S.C. § 405(g), the decision of the Commissioner is **REVERSED** and this case is hereby **REMANDED** for further administrative proceedings consistent with this opinion.

A judgment shall be entered simultaneously herewith.

**IT IS SO ORDERED.**

Signed: September 4, 2017



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Martin Reidinger  
United States District Judge

